IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 6383 of 2005

Between:

M.Bhasker, s/o Narsimha,
E.No.255142, r/o 1-1-496/A, Nehrunagar, Suryapet, Nalgonda

District.

..... PETITIONER

AND

1. The Divisional Manager, APSRTC, Suryapet Division, Suryapet,

Nalgonda District.

2 The Depot Manager, APSRTC, Bus Depot, Suryapet,

Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction particularly one in the nature of writ of mandamus declaring the impugned order of punishment in withholding annual increment for a period of (1) year which shall have permanent effect on the petitioner's future increment vide Proc.No.02/62/DS(53)/91-SRPT dated 20-12-1991 as confirmed by the 1st respondent vide proceedings No.PA/19(7)/05-DVM:SRPT dated 21-02-2005 as illegal, unjust in violation of Art.14, 16 & 21 of the Constitution of India and also in violation of Reg.12(2) of APSRTC, C.C.&A.Reg.1967 and consequently direct the 2nd respondent to restore the withhold increment along with all consequential benefits.

Counsel for the Petitioner:MR.V.NARASIMHA GOUD

Counsel for the Respondent Nos.1 and 2: MR.V.T.M.PRASAD

The Court at the admission stage made the following O R D E R:

The petitioner was appointed as a Conductor in the respondent-Corporation. While so, the respondent-Corporation issued charge sheet alleging cash and ticket irregularities. Thereafter, the second respondent without holding any enquiry passed the final orders on 20.12.1991 imposing the punishment of withholding one increment for a period of one year with cumulative effect. Aggrieved by the same, the petitioner preferred review petition before the first respondent. The first respondent vide proceedings dated 21.02.2005 rejected the review petition. Hence this writ petition.

Learned counsel for the petitioner relied on a Judgment of the Supreme Court in **Kulwant Singh Gill v. Sate of Punjab** wherein the Supreme Court held that since the punishment imposed on the petitioner is a major punishment, the order cannot be sustained without enquiry. The petitioner, therefore, seeks to declare that the order is illegal and it is liable to be set aside.

The petitioner after receiving the adverse orders slept over the matter for a period of 13 years. There are latches on his part in asserting his right regarding this issue. Though the impugned order is liable to be set aside on account of long lapse of time, but in view of the judgment of the Supreme Court in Kulwant Singh Gill's case (1 supra), I am of the view that it would be appropriate if the punishment imposed on the petitioner is treated as reduction of one annual increment without cumulative effect. The petitioner is not entitled for the difference of the amount, if any, by virtue of this order for the period from the date of the impugned order till the date of this order. But, he is entitled to get increments on notional calculation from the

date of this order to which he is entitled, as he has been imposed penalty of reduction of one annual increment without cumulative effect.

The writ petition is accordingly disposed of with the above observation. No costs.

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(K.C.BHANU,J)

Dt:25.03.2005

usd

To

1. The Divisional Manager, APSRTC, Suryapet Division, Suryapet,

Nalgonda District.

2 The Depot Manager, APSRTC, Bus Depot, Suryapet,

Nalgonda District.

3 Two CD copies.

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